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Prepared by: Darren Sanders
Engineering

Approved by: Lisa Kelly
County Attorney

A RESOLUTION APPROVING A CONTRACT WITH WHITE CONTRACTING, INC. IN THE AMOUNT OF \$345,523.40 AND \$34,552.34 FOR AN EXTRA WORK ALLOWANCE FOR A TOTAL AMOUNT OF \$380,075.74 FOR IMPROVEMENTS TO THE INTERSECTION OF GERMANTOWN ROAD AND FARMINGTON ROAD USING FEDERAL FUNDS FROM THE CONGESTION MANAGEMENT AIR QUALITY PROGRAM. THIS ITEM REQUIRES AN EXPENDITURE OF FEDERAL GRANT FUNDS IN THE AMOUNT OF \$380,075.74. SPONSORED BY COMMISSIONER WYATT BUNKER.

WHEREAS, The Congestion Management Air Quality (CMAQ) Program is a one hundred percent (100%) federally funded initiative to reduce vehicle emissions associated with traffic congestion; and

WHEREAS, The intersection of Germantown Road and Farmington Road qualifies for improvements under this program based on measured vehicle emissions during periods of traffic congestion; and

WHEREAS, Sealed bids were requested and received on May 26, 2009 under RFP #09-004-74 for CMAQ, Project Set #4 for intersection improvements of Germantown Road at Farmington Road with the lowest/best bid meeting specifications being submitted by White Contracting, Inc. in the amount of \$345,523.40; and

WHEREAS, White Contracting, Inc. has committed to subcontract 10% of the work to locally owned small businesses (LOSBS); and

WHEREAS, The City of Germantown, Tennessee has requested decorative mast arms in place of the standard wire mounted traffic signal heads and the City has agreed to provide funding for the cost difference in the amount of \$12,153.00; and

WHEREAS, It is necessary to appropriate federal CMAQ funds in the amount of \$333,370.40 and to appropriate the City of Germantown's funding contribution of \$12,153.00 for this contract and to appropriate funds in the amount of \$34,552.34 for an extra work allowance for a total amount of \$380,075.74.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the contract with White Contracting, Inc. in the amount of \$345,523.40 for intersection improvements of Germantown Road at Farmington Road is hereby approved.

BE IT FURTHER RESOLVED, That the County Mayor is hereby authorized to execute the aforementioned contract on behalf of Shelby County Government, an executed copy of which is to be placed on file in the Contracts Administration Section of the Office of the County Attorney.

BE IT FURTHER RESOLVED, That funds from the City of Germantown in the amount of \$12,153.00 are hereby accepted for said contract.

BE IT FURTHER RESOLVED, That the FY 2009-2010 Shelby County Operating Budget is hereby amended by increasing Account Number 698-300201-4440 Grants, Other Governments by \$12,153.00 and increasing Account No. 698-300201-6678 by the same.

BE IT FURTHER RESOLVED, That funds in the amount of \$380,075.74 are hereby appropriated for said contract and extra work allowances from the FY 2009-2010 Operating Budget from Account No. 698-300201-6678.

BE IT FURTHER RESOLVED, That the Mayor and the Director of Administration and Finance are hereby authorized to issue their warrant or warrants in amounts not to exceed \$380,075.74 for the purposes contained in this resolution to White Contracting, Inc. and to take proper credit in their accounting therefor.

BE IT FURTHER RESOLVED, That, where it is not inconsistent with the requirement of the federal grant, the following language be included in resulting contracts: "Any recipient entity shall be subject to the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 200d et seq., and regulations promulgated pursuant thereto. It shall develop a Title VI implementation plan with participation by protected beneficiaries as may be required by such law or regulations. To the extent applicable, such plan shall include Title VI implementation plans of subrecipients of federal funds through the entity. The entity shall submit annual Title VI compliance reports and Implementation plan updates to the Commission by October of each year. The reporting period shall cover the most recent fiscal year."

A C Wharton, Jr., Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED _____

SUMMARY SHEET

I. Description of Item

This project provides for improvements at the intersection of Germantown Road and Farmington Road in the City of Germantown. This is a highly congested intersection that routinely experiences eastbound traffic on Farmington Road queuing from the intersection with Germantown Road back to Poplar Avenue. In order to reduce congestion, improvements are being proposed to upgrade the traffic signal and add a left turn lane that will provide a double left for the eastbound traffic on Farmington Road turning north onto Germantown Road. The project will significantly improve traffic flow through this intersection as well as relieve congestion at the intersection of Poplar Avenue and Germantown Road which is being used as an alternate route.

II. Source and Amount of Funding

A. Amount Expended/Budget Line Item

The City of Germantown is providing \$12,153 for upgrade to decorative mast arm poles.

Fiscal Year 2010 Available Budget	\$ 3,701,348.85
Other Pending Request	< 682,903.10>
Balance	\$ 3,018,445.75
City of Germantown Funding Contribution	12,153.00
This Request	< 380,075.74>
Balance	\$ 2,650,523.01

B. All Costs (Direct/Indirect)

1. No Shelby County funds are required for this project.

C. Additional or Subsequent Obligations or Expenses of Shelby County

1. None

III. Contract Items

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|---------------------|---|
| A. Type of Contract | Standard |
| B. Terms | 425 calendar days or until project completion |

IV. Additional Information Relevant to Approval of This Item

This project was advertised for bid on December 1, 2008 to make improvements to the intersection of Germantown Road at Farmington Road. The bids were invalidated by the Federal Highway Administration (FHWA) for the same reason detailed in the summary of the adjoining CMAQ resolution agenda item. On April 22, 2009, the project was re-bid and

White Contracting, Inc. was the sole responder. The unit prices in the bid were evaluated and found to be acceptable and the total bid is approximately 22% below the engineering estimate prepared by the County's consultant.

The low bidder has committed to subcontract 10.3% of the project to locally owned small businesses (LOSB's). Because the project goal of 20% was not met, the County requested that the low bidder review his proposal and evaluate possible areas that LOSB participation could be increased. After repeated attempts, the low bidder has been unable to increase the percentage. The problem that exists is the lack of LOSB vendors providing traffic signal construction services which accounts for 55% of the type of work to be performed on this project. If the LOSB percentage of 10% is divided into the 45% of the work that is not signalization, then the participation rate equates to approximately 22%.